

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SCOTT W. DAVIS,

No. C 07-05314 CW (PR)

Plaintiff,

ORDER OF DISMISSAL WITHOUT
PREJUDICE

v.

DRUG COURT TREATMENT CENTER,
et al.,

Defendants.

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On November 20, 2008, mail directed to Plaintiff by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by

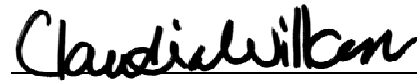
1 the court has been returned to the court as not deliverable, and
2 (2) the court fails to receive within sixty days of this return a
3 written communication from the pro se party indicating a current
4 address. See L.R. 3-11(b).

5 More than sixty days have passed since the mail directed to
6 Plaintiff by the Court was returned as undeliverable. The Court
7 has not received a notice from Plaintiff of a new address.
8 Accordingly, the complaint is DISMISSED without prejudice pursuant
9 to Rule 3-11 of the Northern District Local Rules.

10 The Clerk of the Court shall enter judgment in accordance with
11 this Order, terminate all pending motions, and close the file.

12 IT IS SO ORDERED.

13 Dated: 1/28/09



14 CLAUDIA WILKEN
15 UNITED STATES DISTRICT JUDGE
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SCOTT W.DAVIS,

Plaintiff,

v.

DRUG COURT TREATMENT CENTER et al,

Defendant.

Case Number: CV07-05314 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 28, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Scott W. Davis F55132
Main Adult Detention Facility
2777 Ventura Ave.
Santa Rosa, CA 95403

Dated: January 28, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California